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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,437	06/24/2003	Michael J. Duffy	TPL 0132 PUS	9591
22045	7590	07/27/2004	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			COMPTON, ERIC B	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,437

Applicant(s)

DUFFY ET AL.

Examiner

Eric B. Compton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/5/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10, drawn to a restraint anchorage, classified in class 297, subclass 253.
 - II. Claims 11-20, drawn to a method of manufacturing a restraint anchorage, classified in class 29.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process can be used to make other and materially different process such as a striker plate.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Ronald on 8 June 2004 a provisional election was made with traverse to prosecute the invention of a method of

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manufacturing a restraint anchorage, claims 11-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationship is that wire forms are attached/mounted to the cross member. See Abstract ("One more latch wires are generally mounted to a cross member of the anchorage system comprised of a pair of spatially separated legs joined at one end by a transverse latch bar."); see *also* Claim 19.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view of U.S. Pat. 6,698,080 to Sawajiri et al ("Sawajiri").

AAPA, as found on page 1 of the specification, discloses, "The child restraint anchorage system outlined in this standard, FMVSS 225, requires, in part, that lower anchorages (i.e. , latch wires) be rigidly attached to the vehicle, preferably one on each side of the child seat." Later, on page 2 of the specification, AAPA discloses, "The legs [of the latch wires] are inserted into a cross member up to a first collar. A second collar is formed from the portion of the legs inserted into the cross member which protrude to the other side securing the latch wire to the cross member. This arrangement also avoids the need for an enlarged opening in the cross member to insert the legs through, since the legs in this instance can be straight."

However, AAPA does not disclose tapering each wire form in at least two locations to generate at least two distinct tapered portions separated by the transverse latch bar portions.

Sawajiri disclose a method for forming a striker (10) from a wire form. The reference discloses the steps of forming a constant diameter transverse latch bar portion (13) between spaced legs (15, 18) from each wire form; and tapering each wire form in at least two locations to generate at least two distinct tapered portions (23) separated by the transverse latch bar portion.

Regarding claim 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have formed the latch wires of AAPA by

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tapering each wire form in at least two locations to generate at least two distinct tapered portions separated by the transverse latch bar portions, in light of the teachings of Sawajiri, in order to improve the strength of the latch wire without making a larger sized reinforce structure. See Col. 2, line 58 & Col 1., lines 13+ (discloses prior art).

Regarding claims 12-13, and 16-18, Sawajiri discloses these limitations.

Regarding claims 14-15, Sawajiri discloses heading the wire to form the tapering portions, but not reducing the middle portion of the wire. Official Notice is taken that swaging a wire to form a reduced diameter portion is well known in the wire making arts. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have swaged the wire to form the constant diameter portion, in light of the Official Notice taken.

Regarding claims 19-20, Sawajiri disclose attaching the latch wire to a plate. In the combination of AAPA and Sawajiri, the latch wire will be attached to the cross member to attach to the vehicle seat.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Compton
Patent Examiner